

### REMARKS

Claims 35-48 are pending in the subject application.<sup>1</sup> Claims 1-34 are canceled. Claims 35-48 are new. The applicant notes that newly added claims 35-48 are substantially similar to the prior set of claims last amended on March 21, 2005. In this response, we will address both the art applied in the current Office Action, and that applied in the Office Action dated July 13, 2005, which followed the amendments of March 21, 2005. Favorable reconsideration is requested in view of the foregoing amendments and following remarks.

In the Office Action dated December 21, 2007, claims 15-25 and 26-34 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is believed to be moot in light of the foregoing amendments.

Claims 15-16, 18, 26-27, and 31-33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Narasimha et al. (U.S. Patent No. 6,125,125) in view of Billstrom (U.S. Patent No. 5,983,101). Claims 15-16, 18, 26-27, and 31-33 are canceled. The applicant will discuss the applied art as it pertains to the newly added claims.

Independent claim 35 recites, among other things, measuring transmission characteristics of radio channels in part by transmitting the data as bursts from a first of the base stations to the radio station, each burst having a channel measurement sequence, the first of the base stations transmitting the channel measurement sequence in at least one timeslot in which no data is transmitted from the one of the base stations to the radio station.

Narasimha is not understood to disclose or suggest at least the foregoing features of claim 35. In particular, Narasimha is not understood to disclose or to suggest that a first of the base

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<sup>1</sup> The Examiner is urged to independently confirm this recitation of the pending claims.

stations transmits the channel measurement sequence in at least one timeslot in which no data is transmitted from the base station to a radio station.

In this regard, Narasimha is understood to describe synchronizing the frame emission times of all of the transmitters within a network. This synchronization is accomplished through stepping the phase of a timing signal provided to each base transceiver station (BTS) according to a universal time source. This is done so that the frame timing as transmitted will occur at substantially the same time. Since the frames of each synchronized BTS will be synchronized to a universal time source such as GPS, the frames detected by the mobiles from various different BTS and the co-channel interferers should be substantially the same but for propagation delays through ether. Narasimha appears to be silent with regard to transmitting the channel measurement sequence in at least one timeslot in which no data is transmitted from the one of the base stations to the radio station.

Billstrom does not remedy the foregoing deficiencies of Narasimha. Instead, Billstrom is understood to describe allocating radio link characteristics in a point to multipoint radio access system. A base station power density is selected for the selected base station., and both the base station power density and the terminal power density for each of a plurality of modulation types is constant for all bitrates. Billstrom further discloses choosing a modulation type based on bandwidth efficiency, coverage range and the interference situation. The applicant respectfully notes that Billstrom does not appear to disclose transmitting a channel measurement sequence in a timeslot, and especially does not appear to disclose transmitting the channel measurement

sequence in at least one timeslot in which no data is transmitted from the one of the base stations to the radio station.

In the Office Action of July 13, 2005, the Examiner cited Delprat et al. (U.S. Patent No. 5,583,870) against the claims (which are substantially similar to the current claims).

Delprat is not understood to disclose the features of claim 35. In this regard, Delprat is understood to disclose a dummy burst structure in a cellular digital radio communications system. Delprat describes that, in some GSM systems, there are signaling channels and traffic channels carrying useful data on a beacon frequency. However, in a low traffic situation, some channels are not filled with useful data, and are instead filled with "dummy data." Specifically, Delprat states:

... when there is a small amount of call traffic, certain traffic channels might not be used, or even, at certain times, the signaling channel might not be used to 100% of its capacity, so that certain time slots on that channel are not used. In which case, "dummy" bursts are transmitted. The structure of such bursts is predetermined and is such that they cannot be confused with signaling bursts ...

The dummy data does not contain any useful information, and is instead used to fill the empty bursts in order to guarantee continuous transmission.

In order to conserve resources, Delprat proposes that useful data (such as signaling data) can be substituted for the dummy data. For example, Delprat states:

The signaling message contained in the dummy burst may contain synchronization information addressed to mobile stations located in or in the vicinity of a cell that is associated with the beacon frequency on which the burst is transmitted, or else the signaling message contained in the dummy burst may contain firstly synchronization data addressed to mobile stations located in or in the vicinity of a cell that is associated with the beacon frequency on which the burst is transmitted, and secondly other signaling data.<sup>3</sup>

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<sup>2</sup> Col. 2, lines 27-35.

<sup>3</sup> Col. 3, lines 25-35.

Furthermore, Delprat states:

In accordance with the invention, instead of occupying time slots . . . with dummy bursts having the above-indicated structure, dummy bursts containing signaling information are used.<sup>4</sup>

Thus, in Delprat, as we understand it, a base station continuously transmits a messaging signal along with some manner of data, such as useful data, signaling data, or dummy data. Delprat is not understood to disclose or to suggest an example in which a base station transmits a channel measurement sequence in at least one timeslot in which no data is transmitted from the one of the base stations to the radio station. For at least the foregoing reasons, claim 35 is believed to be patentable over Delprat. Narashima and Billstrom are not understood to remedy the foregoing deficiencies of claim 35. Accordingly, claim 35 is believed to be patentable.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, all dependent claims have not be discussed specifically herein.

It is believed that all of the pending claims have been addressed. The absence, however, of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this

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<sup>4</sup> Col. 5, lines 14-18.

paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any charges or credits, which are not already covered, to deposit account 06-1050.

Respectfully submitted,

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